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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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|------------------------------|---|-------------------------------|
| BEDAVAILABILITY.COM, |) | Civil No.06CV2401-LAB(LSP) |
| |) | |
| Plaintiff, |) | |
| |) | NOTICE AND ORDER FOR EARLY |
| v. |) | NEUTRAL EVALUATION CONFERENCE |
| |) | |
| A BED AVAILABLE, LLC, et al. |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

IT IS HEREBY ORDERED that an Early Neutral Evaluation of your case will be held on April 16, 2007, at 8:30 a.m. before United States Magistrate Judge Leo S. Papas, United States Courthouse, Courtroom G, First Floor, 940 Front Street, San Diego, California. The ENE Conference will be held telephonically with counsel. The Court will initiate the conference call. Prior to the ENE, counsel shall provide the Court's chambers with contact information for all conference call participants.

All conference discussions will be informal, off the record, privileged and confidential.

The parties may submit a short Confidential Early Neutral Evaluation Conference Statement prior to the conference. The parties are also encouraged to lodge with Magistrate Judge Papas'

1 chambers a chronology, setting forth a timeline of the factual
2 events that are the basis for the claims and defenses asserted in
3 this litigation. If submitted, the chronology should be in a chart
4 or column format with the column headings "DATE" and "EVENT" and may
5 be annotated with documents significant to the facts or issues.

6 In the event the case does not settle at the Early Neutral
7 Evaluation Conference, the parties shall also be prepared to discuss
8 the following matters at the conclusion of the conference.

9 1. Any anticipated objections under Federal Rule of Civil
10 Procedure 26(a)(1)(E) to the initial disclosure provisions of
11 Federal Rule of Civil Procedure 26(a)(1)(A-D);

12 2. The scheduling of the Federal Rule of Civil Procedure
13 26(f) conference;

14 3. The date of initial disclosure and the date for lodging
15 the discovery plan following the Rule 26(f) conference; and,

16 4. The scheduling of a Case Management Conference pursuant
17 to Federal Rule of Civil Procedure 16(b).

18 The Court will issue an appropriate order addressing these
19 issues and setting dates as appropriate.

20 **Plaintiff's counsel shall notify all Defendants of the date**
21 **and time of the Early Neutral Evaluation Conference.** Questions
22 regarding this case may be directed to the Magistrate Judge's
23 research attorney at (619) 557-6384.

24 DATED: February 23, 2007

25
26 
27 Hon. Leo S. Papas
28 U.S. Magistrate Judge